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Europe, leaving her alone and unprotected in her weakened and almost insane condition. During his absence the act of adultery was committed, for which he now seeks a divorce. *Held*, that the husband's conduct towards his wife had been so inequitable as to justify the application of the maxim, "He who comes into equity must come with clean hands," and the bill is dismissed. *Kretz v. Kretz* (1907), — N. J. Eq. —, 67 Atl. Rep. 378.

The court cites *Rooney v. Rooney* (1896), 54 N. J. Eq. 231, and *Derby v. Derby* (1870), 21 N. J. Eq. 36. The same position is taken in the following cases: *David v. David* (1855), 27 Ala. 222, *Morris v. Morris* (1859), 14 Cal. 76; *Waldron v. Waldron* (1890), 85 Cal. 251; *Harper v. Harper* (1860), 29 Mo. 301, and *Reed v. Reed* (1868), 4 Nev. 395. See also *Evans v. Evans* (1891), 82 Ia. 462. In *Derby v. Derby*, supra, Chancellor ZABRISKIE puts the doctrine in the following picturesque language: "A party who has negatively violated a solemn contract in its two most vital parts, to love and cherish, and has only performed it in the last and least, to support, comes into a court of equity with an ill grace to complain of a positive breach by the party whom he first injured. His hands are not unclean in the same sense which would apply if he had committed the same crime, but they were so weakened, blanched, and attenuated by wilful non-performance that they take but feeble hold on the horns of the altar of justice. Such a complainant cannot expect any favorable leaning of the court, but must present a case free from any reasonable doubt."

EVIDENCE—OPINION AS TO ONE'S PHYSICAL CONDITION—EXPERT TESTIMONY.—Plaintiff offered to prove the state of her health by the opinion of a layman, who saw her at the time she claimed the sickness occurred. *Held*, that the witness, not being shown to be a doctor or an expert in such matters, cannot be allowed to give his opinion. *Kirby et al. v. Western Union Telegraph Co.* (1907), — S. C. —, 58 S. E. Rep. 10.

The illness which the plaintiff wished to prove was in the nature of a severe cold. The holding is in accordance with the law of South Carolina, as previously laid down in *Seibles v. Blackwell*, 1 McMul. 56; but it is difficult to see any good reason for such a holding. It is the common experience that a layman can tell when a person appears ill, and so it has been held by the overwhelming weight of authority. *Milton v. Rowland*, 11 Ala. 732; *Brown v. Lester*, Ga. Dec., pt. 1, p. 77; *Chicago City Ry. Co. v. Van Vleck*, 143 Ill. 480; *Louisville, N. A. & C. R. R. Co. v. Wood*, 113 Ind. 544; *Baltimore & L. Turnpike Co. v. Cassell*, 66 Md. 419; *Smalley v. City of Appleton*, 70 Wis. 340; *Sherman v. Village of Owenton*, 21 N. Y. Supp. 137.

FOREIGN CORPORATIONS—RIGHT TO DO BUSINESS IN STATE CAN BECOME VESTED.—A state statute provides that the bringing of suit by a foreign corporation in the federal court shall *ipso facto* forfeit its right to do domestic business. A foreign corporation had come into the state at the state's invitation, and had been encouraged to buy up the domestic roads and had invested much money in improvements. *Held*, that a contract relation existed which